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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,998	05/23/2001	Tetsuo Ogino	9915312 (122)	1871

7590 02/07/2005
MOONRAY KOJIMA
BOX 627
WILLIAMSTOWN, MA 01267

EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,998

Applicant(s)

OGINO, TETSUO

Examiner

Stephen M Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-11, 13-20, 24-31, 35-42, 46-48, 50-52, 54-56, 59 and 60 is/are allowed.
- 6) ☒ Claim(s) 1, 12, 23, 34, 45, 49, 53, 57 and 58 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 21, 22, 32, 33, 43 and 44 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050202

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 12, 23, 34, 53, & 57-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Scher et al ("Some New Image Smoothing Techniques", reference AR on 12/1/04 Information Disclosure Statement).

Re claims 1, 12, 23, 34, 53, & 57-58, Scher et al discloses (pages 153-154, "II: Half-Neighborhood Methods") an image processing arrangement in which a local region containing a pixel of interest is defined in one of a plurality of modes. Two non-overlapping groups of pixels are defined (N_1 , $P+N_2$). In accordance with a selection of a pixel grouping that best matches the image structure (presence and direction of an edge), the latter group is averaged to produce a new value for the pixel of interest.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 45 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scher et al.

Re claims 45, 49, Scher et al does not describe the implementation of the described system via executing a program stored on a computer-readable medium. The use of such a program would have the advantage of enabling the implementation of this system on general-purpose computing hardware rather than requiring specialized hardware that would not be available for other purposes. The implementation of the Scher et al image processing system in a computer program (necessarily stored on a computer-readable medium) for this purpose would be an expedient obvious to one of ordinary skill in the art.

Therefore, it would have been obvious to implement the Scher et al image processing system in a computer program to obtain the invention as specified in claims 45 & 49.

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Allowable Subject Matter

5. Claims 2-11, 13-20, 24-31, 35-42, 46-48, 50-52, 54-56, & 59-60 are allowed.

6. Claims 10-11, 21-22, 32-33, & 43-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 2-4, 13-15, 24-26, 35-37, 46-48, 54-56, & 59-60 (and dependent claims 5-11, 16-22, 27-33, 38-44, 50-52), the art of record does not teach or suggest the recited arrangement of pixel group averaging, region averaging, and weighted addition of group and region averages in conjunction with the recited plural-mode pixel group definition.

Re claims 10-11, 21-22, 32-33, & 43-44, the art of record does not teach or suggest the recited arrangement of a pixel group minimum-square-sum criterion in conjunction with the recited plural-mode pixel group definition.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen

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M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Hand-carried or courier-delivered correspondence pertaining to this application should be directed to

US Patent and Trademark Office
220 South 20th Street
Crystal Plaza Two, Lobby, Room 1B03
Arlington VA 22202


Stephen M Brinich
Examiner
Art Unit 2624

smb
February 3, 2005